

Alcohol Control Bylaw - Deliberations and Adoption

Record no: R/22/9/59048
Author: Chris Rout, Senior policy analyst
Approved by: Fran Mikulicic, Group manager democracy and community

Decision Recommendation Information

Purpose

- 1 The purpose of this report is to provide information and present options to Council, so that it can make decisions on the draft Alcohol Control Bylaw 2022 (the 'draft bylaw'), and to present the draft bylaw for adoption.

Executive summary

- 2 The Alcohol Control Bylaw 2015 (the 'current bylaw') will automatically lapse on 9 December 2022. In order for an alcohol control bylaw to continue past this date, Council needs to adopt a new bylaw.
- 3 Staff commenced the process to make a new bylaw by undertaking preliminary engagement in late 2021. On 10 August 2022, Council adopted and released a Statement of Proposal (including the draft bylaw) for consultation in accordance with the special consultative procedure, with consultation occurring between 8am Monday 29 August and 5pm Thursday 29 September 2022.
- 4 Council received written feedback from three submitters, none of who wished to speak at hearings. These submissions are included with this report in attachment A.
- 5 Submissions broadly support the continuation of an alcohol control bylaw and re-establishing the sole alcohol free area within Te Anau. Staff have made a minor change to the draft bylaw to include updated aerial imagery within the Schedule which is used to identify the alcohol free areas. The draft bylaw is included with this report as attachment B.
- 6 The draft bylaw has now reached the stage in the process for deliberation and adoption by Council. The current progress of the bylaw to implementation is set out in the diagram below:



- 7 In this report, staff have presented and discussed two potential options on how Council could proceed:
 - Option 1 – that Council proceed and make decisions now on all the issues and adopt the draft bylaw
 - Option 2 – that Council propose a different way forward
- 8 This report is seeking a decision from Council to choose its preferred approach.

Recommendation

That Council:

- a) receives the report titled “Alcohol Control Bylaw - Deliberations and Adoption” dated 21 November 2022.
- b) determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) notes that on 10 August 2022, Council determined, pursuant to section 155(1) of the Local Government Act 2002 that a bylaw is the most appropriate way of addressing the problem of crime or disorder caused or made worse by the consumption of alcohol in public places.
- e) determines prior to making the bylaw, pursuant to section 155(2)(a) of the Local Government Act 2002 that the draft Alcohol Control Bylaw 2022 is the most appropriate form of bylaw.
- f) determines prior to making the bylaw, pursuant to section 155(2)(b) of the Local Government Act 2002, that the draft Alcohol Control Bylaw 2022 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- g) considers the feedback received on the draft Alcohol Control Bylaw 2022.
- h) notes that the Alcohol Control Bylaw 2015 will lapse on 9 December 2022.
- i) notes that staff have included a minor amendment to the draft bylaw since it was put out for public consultation which replaces the aerial imagery used within the Schedule.
- j) resolves to:
 - i) adopt the draft bylaw; or
 - ii) propose a different way forward.
- k) if Council endorses recommendation j)i (above), resolves that the new Alcohol Control Bylaw 2022 will come into effect on 9 December 2022.
- l) if Council endorses recommendation j)i, ensures that in accordance with Section 157 of the Local Government Act 2002, public notice be given of the making of the Alcohol Control Bylaw 2022, advising:
 - i) that the bylaw will come into force on 9 December 2022
 - ii) that copies of the bylaw may be inspected, without fee, at all Council offices

iii) that copies of the bylaw can be obtained upon payment of a reasonable charge.

m) if Council endorses recommendation j)ii (above), provides specific feedback to staff on the proposed way forward.

Background

- 9 Council has maintained an alcohol control bylaw prohibiting the consumption and possession of alcohol in specified public places in the District since 2003.
- 10 The current bylaw was adopted by Council on 9 December 2015 for the purpose of addressing the problem of crime and disorder caused or made worse by the consumption of alcohol in specified public places within the District.
- 11 While the current bylaw is District-wide, its practical effect has been focused in Te Anau, where it has been applied by Police as an effective preventative and enforcement tool when required, especially during the holiday period and other large public events throughout the year.
- 12 Council, by resolution, is also able to implement additional temporary alcohol free areas at any time for public places within the District. To date, no additional temporary or permanent alcohol free areas within the District have been considered by Council.
- 13 Under the Local Government Act 2002 (the Act) Council was required to review the current bylaw by 9 December 2020 in order to retain it. Due to a number of factors, this review date was not met, and the current bylaw is now transitioning through a two year grace period, to allow time to be considered and replaced if needed, before it expires on 9 December 2022.
- 14 Staff undertook preliminary engagement with Police and community boards in late 2021 to help inform the continued requirement for an alcohol control bylaw and the content of the draft bylaw. This feedback identified the current bylaw is working effectively within the current alcohol free area, further restrictions on the possession and consumption of alcohol in public places are not currently required and confirmed support for the continuation of a bylaw without further amendment.
- 15 On 10 August 2022, Council endorsed the draft bylaw and adopted the statement of proposal for consultation applying the special consultative procedure under the Act. Submissions were received from 8am Monday 29 August to 5pm Thursday 29 September 2022.
- 16 The draft bylaw is largely the same as the current bylaw, with only minor changes to wording/styling proposed, rather than changes to policy content.
- 17 Council received three submissions on the draft bylaw with no submitters requesting to be heard, as a result no hearings need to be held. The written submissions are included with this report in attachment A.

Issues

- 18 Staff are proposing a very minor additional amendment to the Schedule in the draft bylaw to change the aerial imagery used to the most recent imagery available. This does not change the alcohol free areas within the draft bylaw, rather it simply improves the clarity of these areas.

Summary of Feedback

- 19 All submissions received supported the continued ban of the consumption and possession of alcohol in public places in central Te Anau. Two submitters thought the areas in Te Anau could be expanded, one to all public places and one to areas around certain community, recreational and education facilities.
- 20 Some of these areas are already included within the current alcohol free area. Neither Police, nor community groups associated to these locations, have raised issues which need to be addressed in any of the proposed areas. Police data also indicates that alcohol related crime and disorder in these areas would not satisfy the thresholds concerning a high level of crime and disorder and not unreasonably limiting people's rights and freedoms.
- 21 Council received no feedback on the proposed hours of operation of the alcohol free area in Te Anau, which are split between the prohibitions which apply 24 hours or during hours of darkness.
- 22 Only one submitter proposed an additional alcohol free area outside of Te Anau, however this related to Gore. Staff have forwarded this feedback to representatives of Gore District Council for their consideration.
- 23 One submitter raised that the penalties of up to \$20,000 were excessive. The bylaw does not refer to the initial infringement fee of \$250 which is prescribed by the Act and issued by Police. If the infringement fee remains unpaid, following due processes under the Summary Proceedings Act 1957, the court may commence proceedings and upon conviction may order that a fine be paid up to the \$20,000 limit, which is also prescribed under the Act.
- 24 One submitter asked for further information around dispensation and granting exemptions, however this process is not required to be covered within the bylaw. The application fee to grant dispensation is \$207 and set out within the sale and supply of alcohol and gambling section of Council's schedule of fees and charges. In most cases dispensation would be provided by virtue of issuing an alcohol license. Where dispensation is required without an alcohol license being sought, applicants will need to contact the Alcohol Licensing Team directly.
- 25 In addition to the one new change proposed above, the draft bylaw remains the same as what Council endorsed for public consultation in August 2022. Compared with the current bylaw, the draft bylaw includes minor technical changes, with no significant changes proposed. These changes include:

Council

30 November 2022

- Updating the title to read ‘Alcohol Control Bylaw 2022’
- Stating the bylaw will apply from 9 December 2022
- minor grammatical changes
- removing the repeal of the previous bylaw, as this occurs automatically.

Factors to consider

Legal and statutory requirements

- 26 Council is bound by the Act when setting bylaws related to alcohol control.
- 27 Section 160A of the Act automatically revokes any bylaw two years after the last date it was eligible for review. For the current bylaw, section 158 required review before 9 December 2020, and as this was not undertaken, revocation is scheduled to occur on 9 December 2022.
- 28 Council is empowered by sections 145, 147 and 147A-C of the Act to make bylaws to control the consumption, bringing into and possession of alcohol in public places to reduce alcohol related harm.
- 29 In order for Council to establish a new bylaw, the base determination, notification and consultation procedures for making bylaws, set out under sections 155,156 and 157 of the Act, apply.
- 30 Section 147A sets additional specific criteria for alcohol control bylaws. The criteria for replacing an expiring alcohol control bylaw requires future levels of crime and disorder to likely be at a ‘high level’. This is higher than the threshold which applies to continuing the current bylaw if the review requirements were met, which in comparison required the same levels of crime and disorder being likely to return if the bylaw did not continue.
- 31 If the current bylaw lapses without a new bylaw being adopted, Council will be required to meet a further higher threshold to re-establish an alcohol control bylaw. This requires evidence of a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area. This may prevent a future bylaw being implemented promptly if the adoption of the draft bylaw is deferred or delayed.
- 32 Council has undertaken consultation on the draft bylaw in accordance with the special consultative procedure outlined in sections 83 and 86 of the Act.

Determinations

- 33 Before making a bylaw, Council must make the determinations required under section 155 of the Act. Set out below is the assessment by staff for each required determination.

Most appropriate way of addressing the perceived problem

- 34 Council determined, when adopting its statement of proposal for consultation on 10 August 2022, that a bylaw is the most appropriate way of addressing the problem of crime or disorder caused or made worse by the consumption of alcohol in public places within the District.
- 35 Across New Zealand, bylaws remain a common method used by territorial authorities to restrict the possession and/or consumption of alcohol in public places and remain an effective tool used

by Police to reduce and quickly address associated harm, including disorderly behaviour and criminal offending.

- 36 Staff believe an alcohol control bylaw is the most appropriate option compared with having no bylaw, or implementing alternative preventative measures including community engagement and education measures and/or additional alcohol licensing measures.

Most appropriate form of bylaw

- 37 Council is also required to determine whether the proposed bylaw is the most appropriate form of bylaw before it makes its decision. Staff believe the draft bylaw is the most appropriate form of bylaw. It is a minor revision of the current bylaw which has been in place since December 2015, it allows the alcohol free area within Te Anau to be easily enforced by Police and provides the flexibility to respond to any need to establish additional temporary alcohol free areas within the District were a high level of crime or disorder to arise. It reflects the feedback provided by Police, community boards and the wider community within the criteria set by the Act.

Bill of Rights

- 38 Council is required to determine whether the draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (the BoR Act), which grants certain civil and political rights to people in New Zealand. In accordance with section 5 of the BoR Act, ‘the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society’.
- 39 While the draft bylaw provides that people can be asked to leave, or to stop consuming alcohol in alcohol free areas, they are still able to enjoy alcohol responsibly in licensed premises and private premises along with the lake front and park in Te Anau during daylight hours. Alcohol control bylaws prevent harm to the community and their adoption by Council is restricted by sections 147 and 147A-C of the Act. Staff believe the provisions of the draft bylaw do not unreasonably interfere with any of the rights in the BoR Act.

Criteria for replacing an expiring alcohol control bylaw

- 40 Section 147A of the Act sets criteria Council must be satisfied to make bylaws related to alcohol control purposes. As the draft bylaw is intended to replace the current bylaw, subsection 147A(3) applies. Set out below is the assessment by staff for each criterion Council must be satisfied of.

Reasonable limitation on people’s rights and freedoms

- 41 Expanding on the general BoR Act determination above, Council must also be satisfied before adopting the draft bylaw, that it can be justified as a reasonable limitation of people’s rights and freedoms. The draft bylaw will limit the rights and freedoms of persons 18 years and older to possess and consume alcohol within any defined alcohol free areas.
- 42 The ability to establish additional alcohol free areas by separate resolution of Council, does not by itself limit people’s rights and freedoms. This is required to be separately considered under section 147B of the Act prior to establishment of any additional alcohol free areas.
- 43 If the proposed draft bylaw comes into force, the alcohol free area will be limited within the central township in Te Anau. It does not impact possession or consumption of alcohol within private or licensed premises within, or outside of, that area. Staff believe the limitation on

people's rights and freedoms are reasonable to prevent harm arising from crime and disorder caused or made worse by the consumption of alcohol within the alcohol free area.

High level of crime or disorder is likely to arise in the area

- 44 Council must be satisfied that a high level of crime or disorder is likely to arise in the area to which the draft bylaw is intended to apply. This is on the basis that the crime or disorder would either be caused, or made worse, by alcohol consumption in the area concerned if there was no bylaw in place.
- 45 Police feedback has identified using historical statistics under the operation of the current and past bylaws is not useful for identifying whether a high level of alcohol related crime and disorder will arise without a bylaw in place. Observations and experience from Police interactions arising from alcohol being consumed or possessed within the current alcohol free area however remains as a critical indicator.
- 46 Most Police interactions related to alcohol being consumed or possessed within the current alcohol free area are resolved through bylaw education. It is therefore reasonable to foresee that without a bylaw in place in the current alcohol free area, the ability of Police to educate, and in turn prevent alcohol related crime and disorder occurring, is reduced significantly.
- 47 With no bylaw in place to act as a deterrent, education and enforcement tool, staff believe the absence of preventative education may lead to crime and disorder, caused or made worse by the consumption of alcohol within the current alcohol free area, increasing to high levels relative to the extremely low numbers currently identified by Police.

Appropriate and proportionate in the light of likely crime or disorder

- 48 Council must also be satisfied that the alcohol control bylaw is appropriate and proportionate to the crime and disorder likely to arise in central Te Anau without a bylaw in place identified above.
- 49 Police have noted in their feedback that current drunk and detox offending in Te Anau is concentrated in the current alcohol free area; consequently the draft bylaw proposes this area remains the same. The timing of the ban along the lake front and within the park is also limited to outside of daylight hours.
- 50 Staff believe that the bylaw is appropriate and proportionate to the crime and disorder likely to arise which is caused or made worse by the consumption of alcohol within the current alcohol free area.

Public notification

- 51 In making a bylaw, Council is required as soon as practicable after a bylaw is made, to give public notice stating:
- the date on which the bylaw will come into operation, and
 - that copies of the bylaw may be inspected and obtained at Council offices.

Community views

- 52 A summary of the community views captured through the formal consultation process on the draft bylaw are outlined in the issues section of this report. The full submission booklet of the

feedback received through the formal consultation process is also included with this report as attachment A.

- 53 Staff have sought feedback from Police and community boards on this matter which has been summarised within the background section of this report and set out in greater detail in the Report to Council on 10 August 2022.
- 54 Under section 78 of the Act, Council must, when deciding how to proceed, consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter. There is not a requirement to agree with the submitters, but Council must consider the views that have been expressed, with an open mind.

Costs and funding

- 55 The costs associated with reviewing the bylaw include staff time and advertising. The draft bylaw does not propose any significant changes to operational practice within the environmental health team. Costs will be met within existing budgets.

Policy implications

- 56 The Combined Local Alcohol Policy 2019, agreed between Invercargill City Council and Southland District Council, recognises that alcohol misuse is a significant social and public health problem which impacts the social and economic wellbeing of the community. While the principal focus of that policy is to provide safe environments for the responsible sale, supply and consumption of alcohol, it also prioritises reducing harm caused by alcohol misuse and identifies the role that alcohol control bylaws play by committing to maintaining the existing bylaws within the District. Remaking an alcohol control bylaw is consistent with the commitments made by Council under this policy.

Analysis

Options considered

- 57 Staff have identified two practicable options for how Council could proceed.
- option 1 – Council proceeds, making decisions now on the issues identified and adopt the draft bylaw
 - option 2 – Council proposes a different way forward

Analysis of Options

Option 1 – Council proceeds, making decisions now on the issues identified and adopt the draft bylaw

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|--|
| <ul style="list-style-type: none"> • Police retain a preventative and enforcement tool to help address crime and disorder associated to consumption of alcohol within central Te Anau public places • Continued deterrent to public consumption of alcohol in central Te Anau | <ul style="list-style-type: none"> • the current restrictions to possess and consume alcohol within central Te Anau public places are retained • potentially moves alcohol consumption in specified public places to other locations |

| | |
|--|--|
| <ul style="list-style-type: none"> • continued low levels of crime and disorder associated to consumption of alcohol within central Te Anau public places • no negative economic impact to Te Anau businesses • public perception of safety is retained • retention of ability to establish temporary alcohol bans in the District if required | |
|--|--|

Option 2 – Council proposes a different way forward

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none"> • no limitations of rights and freedoms to possess and consume alcohol within central Te Anau public places | <ul style="list-style-type: none"> • Police will lose a preventative and enforcement tool to help address crime and disorder associated to consumption of alcohol within central Te Anau public places • no deterrent to public consumption of alcohol in central Te Anau • likely increase of crime and disorder associated to consumption of alcohol within central Te Anau public places • possible negative economic impact to Te Anau businesses from the impacts and perception of crime and disorder • possible reduced public perception of safety • no ability to establish temporary alcohol bans in the District if required. • higher evidence thresholds of crime or disorder will be required to establish a new bylaw at a later date |

Assessment of significance

- 58 Despite the decisions in this report having some impact on the current and future social, economic, environmental and cultural wellbeing within the District, this is tempered by the issue being limited to a small specific area within the District, and the proposed draft bylaw effectively replacing the current bylaw when it lapses.
- 59 Staff accordingly consider the decisions in this report as not significant in relation to Council’s Significance and Engagement Policy and the Act.

Recommended option

- 60 Staff recommend that Council proceed with option 1 and makes decisions now on the issues identified and adopt the draft bylaw.

Next steps

- 61 If Council proceeds with option 1, making decisions on the issues and adopting the draft bylaw, staff will give public notice of the making of the bylaw.
- 62 There will be a requirement to review this bylaw within five years of it being adopted, so if the draft bylaw is adopted in 2022, the next review will be scheduled to be completed in 2027.
- 63 If Council proceeds with option 2, the current bylaw will lapse on 9 December 2022 and staff will need to take necessary steps to reflect this, including removing existing signage which identifies the alcohol free area in Te Anau and notifying key stakeholders, such as the Police.
- 64 Council decision notwithstanding, staff will also contact people who submitted on the statement of proposal, informing them of the final outcome.

Attachments

- A Submissions Booklet - Alcohol Control Bylaw 2022
- B Draft Alcohol Control Bylaw 2022 - To be presented to Council on 30 November 2022



Submissions Booklet

Draft Alcohol Control Bylaw 2022

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#1

COMPLETE

Collector: Final (Web Link)
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IP Address: 180.148.113.163

Page 1: Introduction

Q1

Submitter Details

Full Name **Laura Williams**

Q2

Gore District

Using the map above as a guide, where are you based?

Q3

Individual

Are you submitting as an individual or on behalf of an organisation?

Q4

No

Would you like to present your submission in person at a hearing?

Q5

No

Do you require your personal information to be withheld from public submission records?

Page 2: Reason for withholding personal details

Q6

Respondent skipped this question

Please explain why you believe withholding your personal information from our public record of submissions is appropriate and necessary?

Page 3: Alcohol ban in Te Anau

Q7

Yes

Do you support the continuation of the ban of the consumption and possession of alcohol in public places in central Te Anau?

Q8

Please provide comments to support your views on whether the alcohol ban in central Te Anau should be continued.

It is a good tool for police to use to discourage antisocial behaviour and I think is very important in maintaining a safe and community friendly town

Q9

Yes

Do you think the public areas subject to the alcohol ban in central Te Anau need to change?

Q10

Please provide comments to support your views on whether the area subject to the alcohol ban in central Te Anau needs to be changed. If you are proposing changes, please provide details of the area and why.

I would expand them. I don't see any reason why alcohol should be consumed outside of private and licensed premises

Q11

No Opinion

The draft bylaw proposes the alcohol ban applies during the hours of darkness in Te Anau along the lakefront between Matai and Mokoroa Streets, in Lions Park, and in Te Anau Gardens. It applies at all times in the remainder of the alcohol ban area. Do you think the specified periods when the alcohol ban applies, or the areas subject to these specified periods, need to change?

Q12

Please provide comments to support your views on whether the specified periods when the alcohol ban applies, or the areas subject to these specified periods, need to change. If you are proposing changes, please provide details of the times and public places, and why.

It should come down to whether or not the police think it is necessary to expand the times or not. If it's not broken, don't fix it, but if there is reason for them to want the ban to be applicable at all times then do it

Page 4: Additional alcohol ban areas in the Southland district

Q13

Yes

Do you think we need to establish alcohol bans in any other public place within the Southland District?

Q14

Please provide comments to support your views on whether we need to establish additional areas subject to an alcohol ban Southland District. If you are proposing new areas, please provide details of the areas and why.

In Gore we often find broken beer bottles on the street. It's frustrating and unsafe for people to be roaming the streets drinking alcohol and leaving broken glass behind them. I've had to clean it up outside my house several times and have occasionally found a piece of glass with my lawnmower which is a huge hazard. I would like the entire township to be under an alcohol ban in public spaces (if not in a licensed area or private residence) as I think it would make it a safer place and hopefully stop the beer bottles being left behind.

Page 5: Level of crime and disorder experienced in other areas

Q15

For each change for Te Anau or additional public place elsewhere in the District you have identified in your submission, please share if you are aware of any incidents of crime or disorder which have been caused or made worse by alcohol consumption in these areas. Please also provide a general description of the circumstances along with any observations or experiences you have had.

When out for a walk during evenings I have come across groups of people walking and drinking and have had to change my route. It made me feel very unsafe. I also have found a lot of abandoned glass beer bottles which is a hazard as they break and can get caught up in the grass. As a young mum with kids I've also had to pull glass out of the bark in playgrounds and dispose of it. I would like the whole township of Gore (which includes many parks, schools, etc) to have an alcohol ban as it seems unnecessary for people to be drinking out in the street or in parks. Especially playgrounds and schools should have alcohol bans as well due to the risk of broken glass people leave behind.

Page 6: Other comments

Q16

Are there any aspects of the draft bylaw which you agree with? Please tell us what you agree with and why.

Definitely licensed premises should be excluded, and the town centre idea is a good one but I do want bans to be extended further, especially around playgrounds and schools. I would suggest the committee walks around the town and looks at where beer bottles have been left though, as they're often spread pretty far and wide. I've even found them jammed into people's hedges when out walking. If having town-wide bans in public areas would stop this I think it should be looked at.

Q17

Are there any aspects of the draft bylaw which you do not agree with? Please tell us what you don't agree with and why.

The up-to \$20k fine is a lot. I would also suggest guidance for instant fines of a smaller amount (\$400 instant littering fine if they're caught intentionally littering etc)

While fines should be sizeable enough that they're an effective deterrent you also don't want them to be unachievable. I'm not sure what the answer is but maybe guidance around what could be expected.

Q18

Respondent skipped this question

Are there any further comments you wish to make on the draft bylaw?

Q19

Respondent skipped this question

Do you have any further comments you wish to make?

Q20

Respondent skipped this question

If you have any supporting documents you would like to add, please feel free to attach them to this submission form here.

#2

COMPLETE

Collector: Final (Web Link)
Started: Thursday, September 15, 2022 11:32:55 AM
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Page 1: Introduction

Q1

Submitter Details

Full Name **Kahurangi Hillier**

Q2**Fiordland**

Using the map above as a guide, where are you based?

Q3**Individual**

Are you submitting as an individual or on behalf of an organisation?

Q4**No**

Would you like to present your submission in person at a hearing?

Q5**No**

Do you require your personal information to be withheld from public submission records?

Page 2: Reason for withholding personal details

Q6**Respondent skipped this question**

Please explain why you believe withholding your personal information from our public record of submissions is appropriate and necessary?

Page 3: Alcohol ban in Te Anau

Q7**Yes**

Do you support the continuation of the ban of the consumption and possession of alcohol in public places in central Te Anau?

Q8

Please provide comments to support your views on whether the alcohol ban in central Te Anau should be continued.

In modern times public intoxication and normalisation of excess alcohol consumption should not be encouraged or enabled. Unchecked public drinking doesn't fit with brand Te Anau.

Q9

Yes

Do you think the public areas subject to the alcohol ban in central Te Anau need to change?

Q10

Please provide comments to support your views on whether the area subject to the alcohol ban in central Te Anau needs to be changed. If you are proposing changes, please provide details of the area and why.

I think an extension to the banned area should definitely include the skate park and plunket/toy library areas, also possibly around the new community garden or places of education.

Q11

No Opinion

The draft bylaw proposes the alcohol ban applies during the hours of darkness in Te Anau along the lakefront between Matai and Mokoroa Streets, in Lions Park, and in Te Anau Gardens. It applies at all times in the remainder of the alcohol ban area. Do you think the specified periods when the alcohol ban applies, or the areas subject to these specified periods, need to change?

Q12

Please provide comments to support your views on whether the specified periods when the alcohol ban applies, or the areas subject to these specified periods, need to change. If you are proposing changes, please provide details of the times and public places, and why.

N/A

Page 4: Additional alcohol ban areas in the Southland district

Q13

No Opinion

Do you think we need to establish alcohol bans in any other public place within the Southland District?

Q14

Please provide comments to support your views on whether we need to establish additional areas subject to an alcohol ban Southland District. If you are proposing new areas, please provide details of the areas and why.

N/A

Page 5: Level of crime and disorder experienced in other areas

Q15

For each change for Te Anau or additional public place elsewhere in the District you have identified in your submission, please share if you are aware of any incidents of crime or disorder which have been caused or made worse by alcohol consumption in these areas. Please also provide a general description of the circumstances along with any observations or experiences you have had.

Bronken glass and general disregard of area around skate park. Also previous assaults and intimidation in the same area.

Page 6: Other comments

Q16

Are there any aspects of the draft bylaw which you agree with? Please tell us what you agree with and why.

N/A

Q17

Are there any aspects of the draft bylaw which you do not agree with? Please tell us what you don't agree with and why.

N/A

Q18

Are there any further comments you wish to make on the draft bylaw?

I think there should be more clarity on dispensation and what that might allow businesses, event organisers or the general public. Also if there is public notification period for dispensation to allow for affected parties to have their say.

Q19

Do you have any further comments you wish to make?

N/A

Q20

Respondent skipped this question

If you have any supporting documents you would like to add, please feel free to attach them to this submission form here.



Hospitality New Zealand

TO SOUTHLAND DISTRICT COUNCIL

**SUBMISSION ON
ALCOHOL CONTROL BYLAW**

SEPTEMBER 2022

CONTACT DETAILS: Hospitality New Zealand

Contact: Darelle Jenkins

Phone: 0800 500 503

Email: darelle@hospitality.org.nz

www.hospitality.org.nz

About Hospitality New Zealand:

1. Hospitality New Zealand (“Hospitality NZ”) is a member-led, not-for-profit organisation representing approximately 3,000 businesses, including cafés, restaurants, bars, nightclubs, commercial accommodation, country hotels and off-licences.
2. Hospitality NZ has a 120-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive Julie White. We have a team of seven Regional Managers located around the country, and a National Office in Wellington to service our members.
3. Hospitality NZ has a Board of Management, made up of elected members from across the sectors of the industry, and an Accommodation Advisory Council, made up of elected members from the accommodation sector.
4. We also have 18 local Branches covering the entire country, representing at a local level all those member businesses which are located within the region. Any current financial member of Hospitality NZ is automatically a member of the local Branch.
5. This submission relates to the Alcohol Control Bylaw 2022.
6. Enquiries relating to this submission should be referred to Darelle Jenkins, Regional Manager – Lower South Island, at darelle@hospitality.org.nz and 0226834249.

General Comments:

7. Hospitality New Zealand welcomes the opportunity to comment on Southland District Council’s Alcohol Control Bylaw.

Visitor Levy

8. Hospitality NZ endorses option 1, of adopting the draft bylaw.
9. Hospitality NZ believes the current bylaw works well for the community and we endorse it remaining.
10. Hospitality NZ firmly believes that well run on-licensed premises are the safest place for people to enjoy alcohol responsibly. Staff are trained to manage the environments, deal with any problems and keep their patrons safe.

Conclusion:

11. We thank Southland District Council for the opportunity to provide input into the consultation.
12. We would be happy to discuss any parts of this submission in more detail, and to provide any assistance that may be required.



Southland District Council

Draft Alcohol Control Bylaw 2022

DRAFT

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Document Revision

| Date | Amendment | Amended by | Approved by | Approval date |
|------|-----------|------------|-------------|---------------|
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| | | | | |

Pursuant to Section 147 of the Local Government Act 2002 the Southland District Council makes the following Bylaw:

1 Title and Commencement

- (a) This Bylaw is the Alcohol Control Bylaw 2022.
- (b) This Bylaw comes into force on 9 December 2022.
- (c)

2 Interpretation

In this Bylaw unless the context otherwise requires:

Act means the Sale and Supply of Liquor Act 2012.

Alcohol has the meaning given by Section 5 (1) of the Act.

Alcohol Free Area means any public place identified:

- (a) In the Schedule to this Bylaw; or
- (b) In any resolution of the Council pursuant to clause 4.0 of this Bylaw.

Constable has the meaning given by Section 2 of the Policing Act 2008.

Council means the Southland District Council.

Licensed premises has the meaning given by Section 5 (1) of the Act.

Public notice means a notice published once in a newspaper circulating in the area to which the notice applies.

Public place means:

- (a) A place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it and includes roads whether or not under the control of the Council and vehicles in those public places; but
- (b) Does not include licensed premises.

Specified period means:

- (a) For an Alcohol Free Area specified in the Schedule to this Bylaw, the days and times specified in the Schedule.
- (b) For an Alcohol Free Area established by a resolution of the Council under clause 4.0 of this Bylaw means the days, times and period specified in that resolution.

3 Prohibited Acts

Except in accordance with clauses 5.0 and 6.0 of this Bylaw no person shall:

- (a) Consume alcohol in an Alcohol Free Area.
- (b) Bring alcohol into an Alcohol Free Area.

- (c) Possess alcohol in an Alcohol Free Area.

4 Establishment of Alcohol Free Area by Resolution

- (a) The Council may from time to time by resolution establish Alcohol Free Areas in public places for specified periods.
- (b) The Council may at any time, by resolution amend or revoke any resolution under this clause 4.
- (c) The Council shall give public notice of any resolution made under clauses 4 (a) and (b) not less than 14 days before the establishment, amendment or revocation of an Alcohol Free Area under this clause 4.

5 Exemptions

This Bylaw does not prohibit the transport of alcohol in an unopened container:

- (a) From licensed premises next to an Alcohol Free Area, if the alcohol was lawfully bought on those premises for consumption off those premises and it is promptly removed from the Alcohol Free Area; or
- (b) From outside of an Alcohol Free Area to licensed premises next to the Alcohol Free Area; or
- (c) From outside of an Alcohol Free Area to premises next to an Alcohol Free Area by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) From premises next to an Alcohol Free Area to a place outside the Alcohol Free Area if the transport is undertaken by the resident of those premises and the alcohol is promptly removed from the Alcohol Free Area.

6 Dispensations

The Council may from time to time on application in writing by any person and on payment of the fee prescribed by the Council, grant a dispensation from any or all of the prohibited acts specified in clause 3.

The dispensation may be granted without conditions or subject to such conditions as the Council thinks fit.

7 No Warning in Certain Circumstances

Any constable is authorised to exercise the powers under Section 170 (2) of the Local Government Act 2002 on specified dates or in relation to specified events in respect of which the Council has:

- (a) By public notice 14 days in advance specified the Alcohol Free Area where, and the period when, any constable can exercise those powers; and
- (b) Where it has been practical or reasonable to do so, indicated the location of the Alcohol Free Area by one or more clearly legible notices affixed in one or more conspicuous places on or adjacent to the Alcohol Free Zone.

8 Offences

Every person commits an offence who breaches the provisions of this Bylaw.

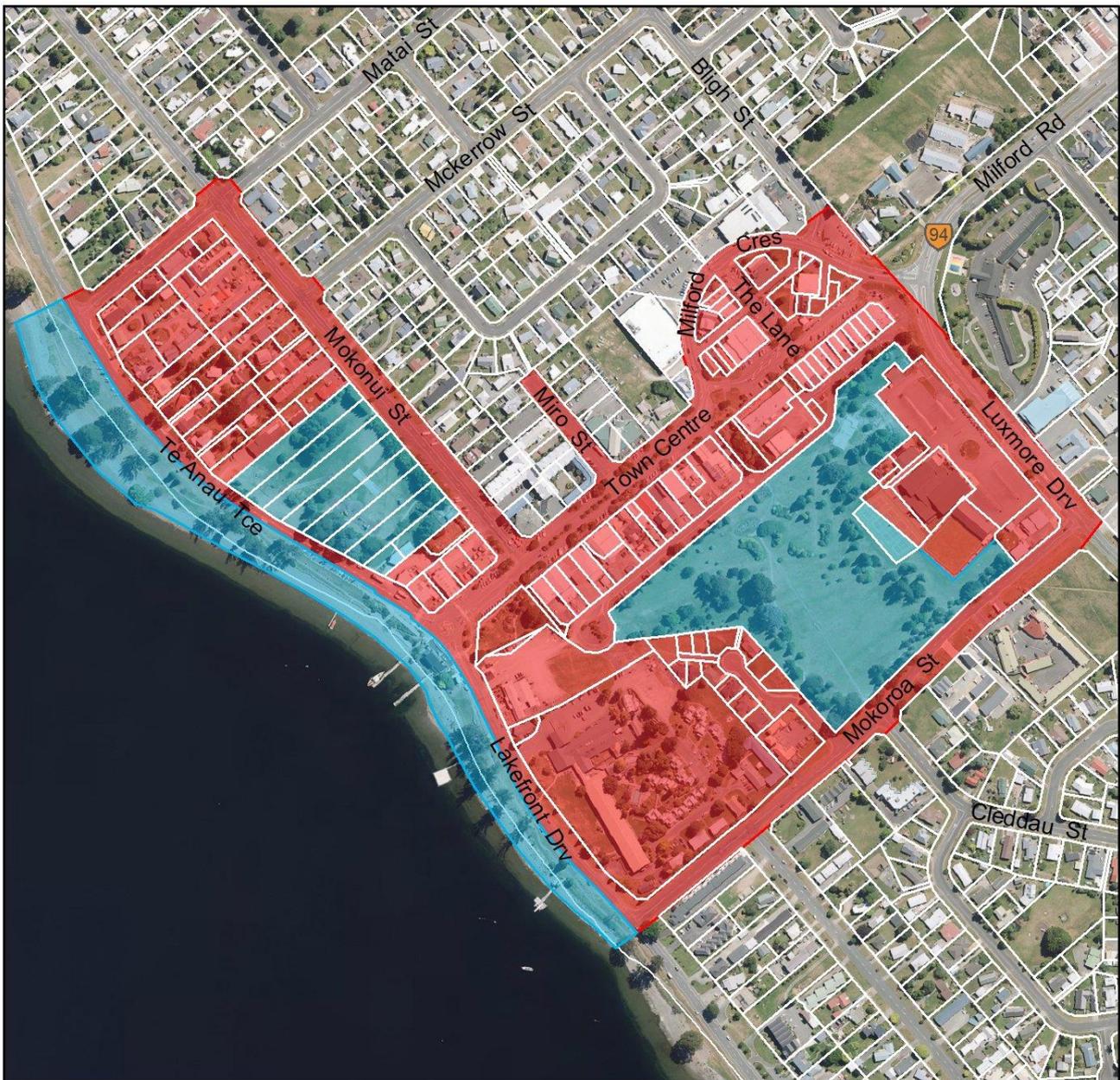
9 Penalties

Every person who commits an offence against this Bylaw is liable on conviction to a fine not exceeding \$20,000.00.

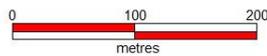
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Schedule

The Alcohol Free Areas and Specified Periods are as follows:



Te Anau Alcohol Free Areas



Alcohol free areas in outdoor public places in the shaded areas, 365 days per year, during the following times:

- 24 hours
- Hours of darkness (between half an hour after sunset on any day, and half an hour before sunrise on the next day)